

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 277 OF 2004

Pandharinath Kundlika Thorat
& ors. ... Appellants

V/s

Krishnaji Pralhad Thorat & ors. ... Respondents

Mr. Anilkumar K. Patil for the appellants.

CORAM: P.V. KAKADE, J.

DATED: 7TH JUNE, 2005

P.C.:

1. This is an appeal preferred by the appellant against the judgment and order passed by the District Judge, Sangli on 8.10.2003 dismissing the appeal and confirming the judgment and order passed by the Civil Judge, Jr. Divn., Tasgaon, Dist. Sangli, dismissing the suit of the plaintiff for partition and separate possession of the property.

2. Heard the learned counsel for the appellant.

3. At the outset, it may be noted that no substantial question of law is involved in this appeal. The

plaintiff was required basically to prove his title to the property before claiming the partition herein. However, it is quite evident that there is absolutely no iota of evidence in order to establish the ownership rights of the plaintiff in the property to seek partition. The learned counsel for the appellant brought to my notice the stray admission given by the other side and wanted to rely on the same in order to show that he had title to the property. However, both the Courts below had rightly discarded such theory and have come to the conclusion that plaintiff's suit must fail for want of evidence in that regard. On perusal of the judgment of both the Courts below, I am inclined to concur with the same and hence the appeal must fail.

4. In the result, the appeal stands dismissed.

(P.V. Kakade, J.)